110TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 110–708
Part 1

NUCLEAR FORENSICS AND ATTRIBUTION ACT

JUNE 11, 2008.—Ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2631]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2631) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Forensics and Attribution Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of the weapon, there could be little forensic evidence except the radioactive material in the bomb itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, pre-detonation forensics is a relatively undeveloped field. The post-detonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

(4)(A) In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(B) Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.

(C) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.

(5) Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.

(6) In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.

SEC. 3. SENSE OF CONGRESS ON INTERNATIONAL AGREEMENTS FOR FORENSICS COOPERATION.

It is the sense of the Congress that the President should—

(1) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

SEC. 4. RESPONSIBILITIES OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ADDITIONAL RESPONSIBILITIES.—Section 1902 of the Homeland Security Act of 2002 (as redesignated by Public Law 110–53; 6 U.S.C. 592) is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking "and" after the semicolon;

(B) by redesignating paragraph (10) as paragraph (14); and

(C) by inserting after paragraph (9) the following:

"(10) develop and implement, with the approval of the Secretary and in coordination with the heads of appropriate departments and agencies, methods and capabilities to support the attribution of nuclear or radiological material to its source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion;

"(11) establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics activities to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks;

"(12) establish a National Nuclear Forensics Expertise Development Program which—

"(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry; and

"(B) shall—

"(i) make available for undergraduate study student scholarships, with a duration of up to four years per student, which shall include, whenever possible, at least one summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;

"(ii) make available for graduate study student fellowships, with a duration of up to five years per student, which—

"(I) shall include, whenever possible, at least two summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and

"(II) shall require each recipient to commit to serve for two years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;

"(iii) make available to faculty awards, with a duration of three to five years each, to ensure faculty and their graduate students a sustained funding stream; and

"(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs, while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities;

"(13) provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and"; and

(2) by adding at the end the following new subsection:

"(b) DEFINITIONS.—In this section:

"(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"(2) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

"(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $30,000,000 for each of the fiscal years 2009, 2010, and 2011 to carry out paragraphs (10) through (13) of section 1902(a) of the Homeland Security Act of 2002, as added by subsection (a) of this section.

Amend the title so as to read:

A bill to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

PURPOSE AND SUMMARY

The purpose of H.R. 2631 is to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.

BACKGROUND AND NEED FOR LEGISLATION

A nuclear device detonated within the United States is the gravest threat we face as a Nation. Should such an event occur, rapid attribution is critical. Rapid attribution is also important should a weapon or special nuclear material be interdicted. A strong nuclear forensics capability will act as a deterrent and guide possible response to a nuclear incident. This being the case, H.R. 2631 is a necessary step to strengthen and coordinate United States' nuclear forensics capabilities.

HEARINGS

On October 10, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing on H.R. 2631, the Nuclear Forensics and Attribution Act. The Subcommittee received testimony from Hon. Adam B. Schiff, the Representative in Congress from the Twenty—Ninth District in the State of California; Mr. Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Dr. Steven Aoki, Deputy Under Secretary for Counterterrorism, National Nuclear Security Administration, Department of Energy; Mr. Mike Evenson, Associate Director for Operations, Defense Threat Reduction Agency, Department of Defense; Dr. Vahid Majidi, Assistant Director, Weapons of Mass Destruction Directorate, Federal Bureau of Investigation, Department of Justice; Mr. Andrew Grant, Acting Director for WMD Terrorism, Bureau of International Security and Nonproliferation, Department of State; and Dr. Carol Burns, Group Leader, Nuclear and Radiochemistry, Chemistry Division, Los Alamos National Laboratory.

COMMITTEE CONSIDERATION

H.R. 2631 was introduced in the House on June 7, 2007, by Mr. Schiff, Mr. Langevin, and three original co-sponsors, and referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs. Within the Committee, H.R. 2631 was referred to the Subcommittee on Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

The Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology met on October 31, 2007, to consider H.R. 2631 and forwarded the bill to the Full Committee for consideration, amended, by voice vote.

The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Langevin, (#1), was AGREED TO by voice vote.

The title was amended so as to read *"To strengthen efforts in the Department of Homeland Security to develop nuclear*

forensics capabilities to permit attribution of the source of nuclear material, and for other purposes."

The Committee on Homeland Security considered H.R. 2631 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, as amended, by unanimous consent. The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Langevin (#1); was AGREED TO by the unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes occurred on H.R. 2631 in the Committee.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2631, the Nuclear Forensics and Attribution Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

JUNE 3, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2631, the Nuclear Forensics and Attribution Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 2631—Nuclear Forensics and Attribution Act

Summary: H.R. 2631 would authorize the appropriation of $30 million for each of fiscal years 2009 through 2011 for the Domestic Nuclear Detection Office in the Department of Homeland Security to develop programs to improve nuclear forensics and attribution (the process of identifying the source of nuclear or radiological material). CBO estimates that implementing the bill would cost $90

million over the 2009–2013 period, subject to appropriation of the authorized amounts. Enacting H.R. 2631 would not affect direct spending or revenues.

H.R. 2631 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2631 is shown in the following table. CBO assumes that the amounts authorized by the bill will be appropriated near the start of each fiscal year and that outlays will follow the historical rate of spending for similar activities. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	30	30	30	0	0	90
Estimated Outlays	9	18	30	21	12	90

Intergovernmental and private-sector impact: H.R. 2631 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Mark Grabowicz; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2631 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

H.R. 2631 authorizes, in statute, the National Technical Nuclear Forensics Center within the Domestic Nuclear Detection Office at the Department of Homeland Security. This Office will coordinate nuclear forensics efforts across the Federal government, in order to ensure information sharing and reduce redundant efforts of the various Federal agencies involved in nuclear forensics, to include the Departments of Homeland Security, Energy, Defense, Justice, and State. This legislation will also help ensure future development of the scientific and technical workforce needed to carry out nuclear forensics activities. The legislation also promotes international cooperation and information sharing to aide nuclear forensics activities.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section states that this act may be cited as "The Nuclear Forensics and Attribution Act".

Section 2. Findings

This section sets forth Congressional findings with respect to the need for a robust nuclear forensics attribution program since the threat of a nuclear terrorist attack is the most serious threat to the U.S.

Section 3. Sense of Congress on international agreements for forensics cooperation

This section expresses the sense of Congress that the President should: Pursue bilateral and multilateral agreements with other nations to establish an international framework for determining the source of any confiscated or detonated nuclear material or weapon; develop protocols for the dissemination of sensitive information relating to nuclear materials; and publicly identify the source of a nuclear detonation.

Section 4. Responsibilities of the Domestic Nuclear Detection Office

This section amends section 1902 of the Homeland Security Act of 2002 (Public Law 107–296) to require the Secretary of Homeland Security to: Develop and implement, in coordination with other Federal agencies, capabilities to support attribution of intercepted nuclear or radiological material; establish, within the Domestic Nuclear Detection Office the National Technical Nuclear Forensics Center; ensure a nuclear forensics workforce by developing and maintaining academic scholarships and fellowships, which include

a requirement of service in a field relevant to nuclear forensics after completion of education; and report annually to the Congress on progress in the mandated areas.

The Committee recognizes that technical nuclear forensics capabilities exist within several agencies across the U.S. Government, including the Department of Energy, the Department of Defense, the Department of Justice, and the Department of State. The National Technical Nuclear Forensics Office should serve as the coordinator of these efforts to ensure the efficacy of current work and that a robust workforce is fostered to support these efforts in the future.

The Committee recognizes the workforce in the technical fields of nuclear forensics has been evaporating over the past thirty years. Without a qualified workforce, we cannot attain the level of preparedness against the threat of nuclear terrorism the Nation needs.

The Committee makes special note that the bill, as amended, includes a provision to provide scholarships and fellowships for those pursuing careers in technical nuclear forensics.

Equally important, the bill mandates a two-year commitment of service within the Federal technical nuclear forensics workforce for fellows of the program after graduation. This will ensure that taxpayers are assured a beneficial return on the Nation's investment in education.

This section authorizes $30 million for each of the fiscal years 2009, 2010, and 2011 to carry out the purposes of this measure.

The Committee notes that the National Technical Nuclear Forensics Center (NTNFC) received $15 million in appropriations for Fiscal Year 2008 and the request for Fiscal Year 2009 is $17.9 million. H.R. 2631, as reported, not only requires the Secretary to coordinate with other Federal Agencies and countries to enhance our Nation's nuclear forensic capabilities but also places additional requirements on the NTNFC to continue to develop and improve these capabilities and develop educational programs to ensure a capable workforce. Therefore the Committee supports the authorization of $30 million per year for FY 2009, 2010, and 2011.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * * * *

TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

* * * * * * *

SEC. 1902. MISSION OF OFFICE.

(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized im-

portation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

(1) * * *

* * * * * * *

(9) further enhance and maintain continuous awareness by analyzing information from all Office mission-related detection systems; [and]

(10) develop and implement, with the approval of the Secretary and in coordination with the heads of appropriate departments and agencies, methods and capabilities to support the attribution of nuclear or radiological material to its source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion;

(11) establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics activities to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks;

(12) establish a National Nuclear Forensics Expertise Development Program which—

(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry; and

(B) shall—

(i) make available for undergraduate study student scholarships, with a duration of up to four years per student, which shall include, whenever possible, at least one summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;

(ii) make available for graduate study student fellowships, with a duration of up to five years per student, which—

(I) shall include, whenever possible, at least two summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and

(II) shall require each recipient to commit to serve for two years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;

(iii) make available to faculty awards, with a duration of three to five years each, to ensure faculty and their graduate students a sustained funding stream; and

(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs, while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities;

(13) provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and

[(10)**]** *(14)* perform other duties as assigned by the Secretary.

(b) DEFINITIONS.—In this section:

(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" has the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(2) HISPANIC-SERVING INSTITUTION.—The term "Hispanic-serving institution" has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

(3) TRIBAL COLLEGE OR UNIVERSITY.—The term "Tribal College or University" has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

* * * * * * *

COMMITTEE CORRESPONDENCE

BART GORDON, TENNESSEE
CHAIRMAN

RALPH M. HALL, TEXAS
RANKING MEMBER

U.S. HOUSE OF REPRESENTATIVES
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SUITE 2320 RAYBURN HOUSE OFFICE BUILDING
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May 27, 2008

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Mr. Chairman,

I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 2631, the Nuclear Forensics and Attribution Act. H.R. 2631 was introduced by Congressman Adam B. Schiff on June 7, 2007, and the bill was subsequently marked up by the Committee on Homeland Security on May 20, 2008.

H.R. 2631 implicates the Committee on Science and Technology's jurisdiction under Rule X(1)(o) of the House Rules. The Committee on Science and Technology acknowledges the importance of H.R. 2631 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the legislative report for this bill and the *Congressional Record* when the bill is considered on the House Floor.

The Committee on Science and Technology also expects that you will support our request to be conferees during any House-Senate conference on H.R. 2631 or similar legislation.

Thank you for your attention to this matter.

Sincerely,

BART GORDON
Chairman

cc: The Honorable Nancy Pelosi
The Honorable Ralph Hall
The Honorable John V. Sullivan

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

PETER T. KING, NEW YORK
RANKING MEMBER

One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

May 28, 2008

The Honorable Bart Gordon
Chairman
Committee on Science and Technology
2320 Rayburn Building
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2631, the *Nuclear Forensics and Attribution Act*, introduced on June 7, 2007, by Congressman Adam B. Schiff.

I appreciate your willingness to work cooperatively on this important legislation. I acknowledge that H.R. 2631 contains amendments to provisions of law related to matters that fall under the jurisdictional interest of the Committee on Science and Technology. I appreciate your agreement to not seek a sequential referral of this legislation and acknowledge that your decision to forgo a sequential referral on this bill does not waive, alter, or otherwise affect the jurisdiction of the Committee on Science and Technology.

Further, I recognize that your committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters in included in the Committee's report on H.R. 2631 and in the *Congressional Record* during floor consideration of H.R. 2631. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Peter T. King, Ranking Member
The Honorable John Sullivan, Parliamentarian

ONE HUNDRED TENTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
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June 11, 2008

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to you regarding H.R. 2631, the Nuclear Forensics and Attribution Act, introduced on June 7, 2007, by Congressman Adam B. Schiff. This legislation was initially referred to the Committee on Homeland Security and, in addition, to the Committee on Foreign Affairs.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive further consideration of H.R. 2631. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the committee report for H.R. 2631 and in the *Congressional Record* during consideration of this bill

I look forward to working with you as we move this important measure through the legislative process.

Sincerely,

Howard L. Berman

HOWARD L. BERMAN
Chairman

HLB:rr/mco

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

PETER T. KING, NEW YORK
RANKING MEMBER

One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

June 11, 2008

The Honorable Howard L. Berman
Chairman
Committee on Foreign Affairs
2170 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2631, the *Nuclear Forensics and Attribution Act*, introduced on June 7, 2007, by Congressman Adam B. Schiff.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 2631 contains provisions that fall under the jurisdictional interests of the Committee on Foreign Affairs. I appreciate your agreement to forgo any further consideration or action on this legislation, and that your decision to do so does not affect the jurisdiction of the Committee on Foreign Affairs.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters in included in the Committee's report on H.R. 2631 and in the *Congressional Record* during floor consideration of H.R. 2631. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

Bennie G. Thompson
Chairman

○